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S.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state, in cooperation with appropriate nonprofit organizations as determined by the secretary of state and with each party whose nominee for governor in the most recent

1 gubernatorial general election received 20 percent or more of the  
2 total number of votes received by all candidates for governor in the  
3 election, shall establish a statewide effort to educate voters  
4 regarding the identification requirements for voting prescribed by  
5 Chapter 63. The secretary of state may use any available funds,  
6 including federal funds, for the purposes of this section.

7 SECTION 3. Section 32.111, Election Code, is amended by  
8 adding Subsection (c) to read as follows:

9 (c) The training standards adopted under Subsection (a)  
10 must include provisions on the acceptance and handling of the  
11 identification presented by a voter to an election officer under  
12 Section 63.001.

13 SECTION 4. Subsection (a), Section 32.114, Election Code,  
14 is amended to read as follows:

15 (a) The county clerk shall provide one or more sessions of  
16 training using the standardized training program and materials  
17 developed and provided by the secretary of state under Section  
18 32.111 for the election judges and clerks appointed to serve in  
19 elections ordered by the governor or a county authority. Each  
20 election judge shall complete the training program. Each election  
21 clerk shall complete the part of the training program relating to  
22 the acceptance and handling of the identification presented by a  
23 voter to an election officer under Section 63.001.

24 SECTION 5. Chapter 62, Election Code, is amended by adding  
25 Section 62.016 to read as follows:

26 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
27 POLLING PLACES. The presiding judge shall post in a prominent place

1 on the outside of each polling location a list of the acceptable  
2 forms of photographic and nonphotographic identification. The  
3 notice and list must be printed using a font that is at least  
4 24-point.

5 SECTION 6. Section 63.001, Election Code, is amended by  
6 amending Subsections (b), (c), (d), and (f) and adding Subsection  
7 (g) to read as follows:

8 (b) On offering to vote, a voter must present to an election  
9 officer at the polling place either:

10 (1) one form of identification listed in Section  
11 63.0101(a); or

12 (2) two different forms of identification listed in  
13 Section 63.0101(b) [~~the voter's voter registration certificate to~~  
14 ~~an election officer at the polling place].~~

15 (c) On presentation of the documentation required by  
16 Subsection (b) [~~a registration certificate]~~, an election officer  
17 shall determine whether the voter's name on the registration  
18 certificate is on the list of registered voters for the precinct.

19 (d) If the voter's name is on the precinct list of  
20 registered voters and the voter's identity can be verified from the  
21 documentation presented under Subsection (b), the voter shall be  
22 accepted for voting.

23 (f) After determining whether to accept a voter, an election  
24 officer shall return the voter's documentation [~~registration~~  
25 ~~certificate]~~ to the voter.

26 (g) If the requirements for identification prescribed by  
27 Subsection (b) are not met, the voter may be accepted for

1 provisional voting only under Section 63.011. An election officer  
2 shall inform a voter who is not accepted for voting under this  
3 section of the voter's right to cast a provisional ballot under  
4 Section 63.011.

5 SECTION 7. Effective January 1, 2010, Subsection (a),  
6 Section 63.0011, Election Code, is amended to read as follows:

7 (a) Before a voter may be accepted for voting, an election  
8 officer shall ask the voter if the voter's residence address on the  
9 precinct list of registered voters is current and whether the voter  
10 has changed residence within the county. If the voter's address is  
11 omitted from the precinct list under Section 18.005(c), the officer  
12 shall ask the voter if the voter's residence as listed on  
13 identification presented by the voter under Section 63.001(b) [~~the~~  
14 ~~voter's voter registration certificate~~] is current and whether the  
15 voter has changed residence within the county.

16 SECTION 8. Subsection (a), Section 63.006, Election Code,  
17 is amended to read as follows:

18 (a) A voter who, when offering to vote, presents a voter  
19 registration certificate indicating that the voter is currently  
20 registered in the precinct in which the voter is offering to vote,  
21 but whose name is not on the precinct list of registered voters,  
22 shall be accepted for voting if the voter's identity can be verified  
23 from the documentation presented under Section 63.001(b).

24 SECTION 9. Subsection (a), Section 63.007, Election Code,  
25 is amended to read as follows:

26 (a) A voter who, when offering to vote, presents  
27 documentation required under Section 63.001(b) that indicates [a

1 ~~voter registration certificate indicating that]~~ the voter is  
2 currently registered in a different precinct from the one in which  
3 the voter is offering to vote, and whose name is not on the precinct  
4 list of registered voters, shall be accepted for voting if the  
5 voter's identity can be verified from the documentation and the  
6 voter executes an affidavit stating that the voter:

7           (1) is a resident of the precinct in which the voter is  
8 offering to vote or is otherwise entitled by law to vote in that  
9 precinct;

10           (2) was a resident of the precinct in which the voter  
11 is offering to vote at the time that information on the voter's  
12 residence address was last provided to the voter registrar;

13           (3) did not deliberately provide false information to  
14 secure registration in a precinct in which the voter does not  
15 reside; and

16           (4) is voting only once in the election.

17           SECTION 10. Section 63.0101, Election Code, is amended to  
18 read as follows:

19           Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

20           (a) The following documentation is an acceptable form ~~[as proof]~~  
21 of photo identification under this chapter:

22           (1) a driver's license or personal identification card  
23 issued to the person by the Department of Public Safety that has not  
24 expired or that expired no earlier than two years before the date of  
25 presentation ~~[or a similar document issued to the person by an~~  
26 ~~agency of another state, regardless of whether the license or card~~  
27 ~~has expired]~~;

1           (2) a United States military identification card that  
2 contains the person's photograph [~~form of identification~~  
3 ~~containing the person's photograph that establishes the person's~~  
4 ~~identity~~];

5           (3) a [~~birth certificate or other document confirming~~  
6 ~~birth that is admissible in a court of law and establishes the~~  
7 ~~person's identity~~];

8           [~~(4)~~] United States citizenship certificate [~~papers~~]  
9 issued to the person that contains the person's photograph;

10          (4) [~~(5)~~] a United States passport issued to the  
11 person;

12          (5) a license to carry a concealed handgun issued to  
13 the person by the Department of Public Safety; or

14          (6) [~~official mail addressed to the person by name~~  
15 ~~from a governmental entity~~];

16          [~~(7)~~] a valid identification card that contains the  
17 person's photograph and is issued by:

18                   (A) an agency or institution of the federal  
19 government; or

20                   (B) an agency, institution, or political  
21 subdivision of this state.

22          (b) The following documentation is acceptable as proof of  
23 identification under this chapter:

24                   (1) the voter's voter registration certificate or a  
25 copy of a current utility bill, bank statement, government check,  
26 paycheck, or other government document that shows the name and  
27 address of the voter;

1           (2) official mail addressed to the person by name from  
2 a governmental entity;

3           (3) a certified copy of a birth certificate or other  
4 document confirming birth that is admissible in a court of law and  
5 establishes the person's identity;

6           (4) United States citizenship papers issued to the  
7 person;

8           (5) an original or certified copy of the person's  
9 marriage license or divorce decree;

10           (6) court records of the person's adoption, name  
11 change, or sex change;

12           (7) an identification card issued to the person by a  
13 governmental entity of this state or the United States for the  
14 purpose of obtaining public benefits, including veteran's  
15 benefits, Medicaid, or Medicare;

16           (8) a temporary driving permit issued to the person by  
17 the Department of Public Safety;

18           (9) a pilot's license issued to the person by the  
19 Federal Aviation Administration or another authorized agency of the  
20 United States;

21           (10) a library card that contains the person's name  
22 issued to the person by a public library located in this state; or

23           (11) a hunting or fishing license issued to a person by  
24 the Parks and Wildlife Department [~~or~~

25           ~~[(8) any other form of identification prescribed by~~  
26 ~~the secretary of state].~~

27           SECTION 11. Subsection (a), Section 63.011, Election Code,

1 is amended to read as follows:

2 (a) A person to whom Section 63.001(g) [~~63.008(b) or~~  
3 ~~63.009(a)~~] applies may cast a provisional ballot if the person  
4 executes an affidavit stating that the person:

5 (1) is a registered voter in the precinct in which the  
6 person seeks to vote; and

7 (2) is eligible to vote in the election.

8 SECTION 12. Section 521.422, Transportation Code, is  
9 amended by amending Subsection (a) and adding Subsection (d) to  
10 read as follows:

11 (a) Except as provided by Subsection (d), the [~~The~~] fee for  
12 a personal identification certificate is:

13 (1) \$15 for a person under 60 years of age;

14 (2) \$5 for a person 60 years of age or older; and

15 (3) \$20 for a person subject to the registration  
16 requirements under Chapter 62, Code of Criminal Procedure.

17 (d) The department may not collect a fee for a personal  
18 identification certificate issued to a person who states that the  
19 person is obtaining the personal identification certificate for the  
20 sole purpose of satisfying Section 63.001(b)(1), Election Code,  
21 and:

22 (1) who is a registered voter in this state and  
23 presents a valid voter registration certificate; or

24 (2) who is eligible for registration under Section  
25 13.001, Election Code, and submits a registration application to  
26 the department.

27 SECTION 13. Effective January 1, 2010, Sections 63.008 and



1 63.009, Election Code, are repealed.

2 SECTION 14. As soon as practicable after the effective date  
3 of this Act:

4 (1) the secretary of state shall adopt the training  
5 standards and develop the training materials required to implement  
6 the change in law made by this Act to Section 32.111, Election Code;  
7 and

8 (2) the county clerk of each county shall provide a  
9 session of training under Section 32.114, Election Code, using the  
10 standards adopted and materials developed to implement the change  
11 in law made by this Act to Section 32.111, Election Code.

12 SECTION 15. (a) Except as provided by Subsection (b) of  
13 this section, this Act takes effect January 1, 2010.

14 (b) The changes in law made by Sections 1, 2, 3, 4, and 14 of  
15 this Act take effect September 1, 2009.